



INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: 86-7

Date: April 17, 1986

Availability of ATF Form 5100.31 Application for and Certificate/Exemption of Label/Bottle Approval

Proprietors of Distilled Spirits Plants,
Bonded Wineries, Taxpaid Wine Bottling
Houses, Breweries, Importers, Wholesalers,
and Others Concerned:

Purpose. This circular announces the availability of a new ATF form, Form 5100.31, Application for and Certificate/Exemption of Label/Bottle Approval (10/85). This form replaces three existing ATF forms: Form 1648, Application for Certificate of Exemption from Label Approval; Form 1649, Application For and Certificate of Label Approval under Federal Alcohol Administration Act; and Form 1650, Certificate of Exemption from Label Approval under the Federal Alcohol Administration Act. These three forms are obsolete and will not be accepted for applications for label approval or exemption from label approval received after May 30, 1986. A forthcoming Treasury decision will amend regulations in 27 CFR Parts 4, 5, and 7 to change all references to these forms to ATF Form 5100.31.

Background. ATF has combined these forms in the interest of economy and paperwork reduction. Certain information which is not required on Forms 1648 or 1649 must be shown on Form 5100.31. In addition, the instructions for preparation of some entries on the form have changed. All changes from Forms 1648 and 1649 are explained in detail below.

Item #1, Vendor Code. Enter your vendor code in this space. If you are a new applicant and have not been assigned a vendor code, leave this space blank and submit a photocopy of your basic permit or approved notice with your first application.

Item #2, Serial Number. Assign serial numbers to each set of applications using a sequential numbering system, and beginning with the last two digits of the current calendar year; e.g. 86-1, 86-2. Use only one series of serial numbers for all applications on Form 5100.31.

Item #3, Name and Address. Enter your name and address exactly as it appears on your basic permit or approved notice. If a trade name is used on the label attached to the application, enter that trade name as it appears on your permit or notice in this space. You may show an additional mailing address directly under the required name and address. BE SURE TO INCLUDE YOUR PLANT REGISTRY OR BASIC PERMIT NUMBER IN THIS SPACE.

Item #4, Type of application. Check the appropriate box for the type of application being filed. If the application is for exemption from label approval, enter the State of sale. If the application is for distinctive bottle approval, check boxes a. and c., and state the total bottle capacity before closure in millilitres.

Item #7, Fanciful Name. Enter the fanciful name (i.e., proprietary name) used on the label for a specialty product which does not conform to a specific class and type designation.

Item #8, Vintage. Show a vintage date only for wine for which a vintage is claimed on the label.

Item #9, Age. Show age only for distilled spirits for which an age reference is made on the label. If less than two years, show age in months.

Item #11, Laboratory Analysis Number. Show the ATF Laboratory analysis number and the month and year of the analysis for imported products which have been analyzed by the ATF Laboratory. Attach a copy of the laboratory analysis with the application for label approval.

Conditions under which label approvals are not required. The conditions which do not necessitate the submission of a new label approval are listed on the reverse of Form 5100.31. These conditions were outlined in Industry Circular 85-6, dated July 4, 1985.

Use of Form 5100.31 as an application for exemption from label approval under the FAA Act. This form replaces Forms 1648 and 1650. Applications for exemption from label approval will be made on Form 5100.31, and this form will be approved and returned to the applicant.

Sample Copy. A facsimile of Form 5100.31 is attached to this industry circular for your reference. Please note that this copy is reduced in size and may not be photocopied for use.

Effective Date. After May 30, 1986, applications for label approval or exemption from label approval will not be accepted on Forms 1648 or 1649. Proprietors may submit applications on Form 5100.31 after December 31, 1985. Do not resubmit previously approved labels. All approved Forms 1649 and 1650 remain valid after May 30, 1986.

Availability of Form. Please destroy all stocks of Forms 1648 and 1649. Supplies of Form 5100.31 may be obtained from the ATF Distribution Center, 7943 Angus Court, Springfield, Virginia 22153; telephone (703) 455-7801. There will be no automatic distribution of Form 5100.31 to permittees; you must request copies from the ATF Distribution Center.

Inquiries. Inquiries concerning this circular should refer to its number and be addressed to the Associate Director (Compliance Operations), Attention: Chief, Industry Compliance Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226.


Director

DEPARTMENT OF THE TREASURY - BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
APPLICATION FOR AND CERTIFICATION/EXEMPTION OF LABEL/BOTTLE APPROVAL
 (See Instructions and Paperwork Reduction Act Notice on Back)

PART I - APPLICATION

FOR ATF USE ONLY		3 NAME AND ADDRESS AND PLANT REGISTRY NO. OR BASIC PERMIT NO. OF APPLICANT	
ID			
CT	OR AP		
1 VENDOR CODE (Required)	2 SERIAL NO. (Required)		
5 BRAND NAME (Required)			
6 CLASS AND TYPE (Required)			
7 FANCIFUL NAME (If Any)		4 TYPE OF APPLICATION (Check Applicable Box)	
8 VINTAGE (Wine Only)	9 AGE (Distilled SPIRITS)	a <input type="checkbox"/> CERTIFICATE OF LABEL APPROVAL	
10 FORMULA NO. (If Any)	11 LAB ANALYSIS NO.	b <input type="checkbox"/> CERTIFICATE OF EXEMPTION FROM LABEL APPROVAL "FOR SALE IN _____ ONLY" (Fill in State abbreviation)	
12 STATE ANY WORDING, NOT SHOWN ON LABELS (Caps, vowels, etc.)		c <input type="checkbox"/> DISTINCTIVE LIQUOR BOTTLE APPROVAL TOTAL BOTTLE CAPACITY BEFORE CLOSURE (Fill in amount)	

PART II - APPLICANT'S CERTIFICATION

The applicant hereby declares under the penalties of perjury that to the best of his/her knowledge and belief all statements appearing in the above application are true and correct and the representations of the labels and in the supplemental documents truly and correctly represent the contents of the containers to which such labels will be applied. Additionally, the applicant for exemption from label approval further certifies that the product will be exclusively disposed of in the State shown in item 4b. and that each container will bear the legend "For Sale in (State shown in item 4b.) only".

13 DATE OF APPLICATION 14 SIGNATURE OF APPLICANT OR AUTHORIZED AGENT

PART III - ATF CERTIFICATE

This certificate is issued subject to applicable laws and regulations and conditions as set forth on the back of this form.

15 DATE ISSUED 16 SIGNATURE OF DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

FOR ATF USE ONLY

QUALIFICATIONS

 TERMINATION DATE
 (If Any)

AFFIX COMPLETE SET OF LABELS BELOW

S A M P L E

I. INSTRUCTIONS

- 1 **INSTRUCTIONS:** Applications must be printed or typed, signed in ink, and submitted in duplicate to the Product Compliance Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. For multiple plant locations submit one copy for each location shown in Item 3 and one copy for the Bureau. PHOTOCOPIES OF ATF FORM 5100.31 must be copied front and back and must contain original signatures. Applications must be submitted by the person, firm or corporation which will bottle or pack the distilled spirits, wine, or malt beverages. For products to be imported in original containers, applications must be filed by the importer. All applications for approval of distinctive liquor bottles must include photographs of both the front and back of the bottle. CERTIFICATES OF EXEMPTION ARE NOT ISSUED FOR PRODUCTS IMPORTED IN BOTTLES OR FOR MALT BEVERAGES.
- 2 **LABELS:** All labels which will appear on the bottle must be firmly affixed to the form with glue or tape. PRINTERS' PROOFS AND PHOTOCOPIES ARE ACCEPTABLE. If labels are in the form of can flats, a photostatic copy is requested. OVERSIZED LABELS MUST BE REDUCED PRIOR TO AFFIXING TO THE APPLICATION FORM. Indicate in Item 11 that labels have been reduced. DRAFT LABELS (not to be submitted on this form) MAY BE SENT TO THE BUREAU FOR INFORMAL REVIEW PRIOR TO PRINTING.

II. SPECIFIC INSTRUCTIONS

- | | |
|--|---|
| <p>ITEM 1 If you have not been assigned a vendor code, leave this blank. Submit this form with a copy of your ATF Basic Permit.</p> <p>ITEM 2 A sequential serial number beginning with the last two digits of the current calendar year must be assigned to each set of applications; e.g., 85 1, 85 2, etc.</p> <p>ITEM 3 Indicate your name and address exactly as it appears on your ATF Permit or Notice. A separate mailing address may appear directly under the required name and address.</p> <p>ITEM 5 A Brand Name is the name under which the product is sold. If the product is not sold under a brand name, the name of the bottler, packer, or importer becomes the brand name.</p> <p>ITEM 6 Specify exact designation as required under the standards of identity in 27 CFR Parts 4, 5, and 7.</p> <p>ITEM 7 A fanciful name is a name in addition to a Brand Name that is used to further identify the product.</p> <p>ITEM 10 For domestically produced products, show approved formula number. Attach a copy of the approved formula and active riders (except for vermouth and sparkling wines) with the application for label approval. For domestically produced products under a formula but not made by the applicant, a statement giving the name and address of the producer and the formula number may be substituted.</p> <p>ITEM 11 For imported products which have been analyzed by ATF, show the laboratory number. Attach a copy of the laboratory analysis with the application for label approval.</p> | <p>2 This certificate of label approval covers products in containers bearing a set of labels identical to the set affixed to the face of this certificate. It also covers products in containers bearing labels differing in only the following ways from those affixed to this certificate (If you wish to make a change that is not listed below, a new label approval is required):</p> <ul style="list-style-type: none">a. In shape or proportionate size of labels.b. In net content statement.c. In name and/or trade name of responsible winery, DSP, brewery, or importer provided the name/trade name has been added to Basic Permit or Brewers Notice.d. In name and/or address of the foreign producer, bottler or shipper, if the producer, bottler or shipper is located in the same country originally shown.e. In statement of percentage of neutral spirits and name of commodity from which produced.f. In proof stated on distilled spirits.g. In period of age stated.h. In statement of age and percentage on distilled spirits.i. In name and registry number of the distiller or spirits bottled in bond.j. In stated vintage date of wine or deletion of vintage year. NOTE: If vintage date is deleted no reference to "VINTAGE" may be made on any label affixed to the bottle. VINTAGE DATES MAY NEVER BE ADDED, ONLY CHANGED OR DELETED.k. By adding, deleting, or changing on the brand or back label, the name and address or trademark (or both) of the wholesaler, retailer, or persons for whom imported or bottled, or by adding another label stating such information provided that no reference is thereby made to the product or any of its characteristics.l. By adding a statement of net contents to the brand, back, or other label corresponding to the required statement shown elsewhere on the labels or blown into the bottle.m. In the case of malt beverages, by adding, deleting, or changing a statement of alcoholic content or other wording in the exact form required by the state in which the beverage is to be sold.n. In stated amount of sugar at harvest or residual sugar of wines.o. In stated bottling date.p. In the case of wines, a change in the alcoholic content statement, if within the prescribed limitation for that class or type of wine and within the same taxable grade.q. In stated amount of acid or pH level. One or both may be deleted from label.r. In adding bonded winery number in direct conjunction with the bottler name and address.s. In stated percentages for varietal and/or appellation.t. In stated caloric content for wine or distilled spirits.u. In stated average analysis for malt beverages provided change is in compliance with Industry Circular 80-5.v. By adding or changing U.P.C. Code as permitted by Industry Circular 77-23. |
|--|---|

III. CONDITIONS

- 1 This certificate covers the products identified and authorizes their removal from the plant where bottled or packed, or from Customs custody for introduction into commerce only under the following conditions:
 - a. The trade name of the bottler/importer used on the label has been approved by the Bureau.
 - b. FOR CERTIFICATES OF EXEMPTION FROM LABEL APPROVAL, the product will under no circumstances be sold, offered for sale, shipped, delivered for shipment, or otherwise introduced by the applicant, directly or indirectly, into interstate or foreign commerce.
 - c. This certificate is issued for Bureau of Alcohol, Tobacco and Firearms use only and does not constitute trademark protection or relieve any person from liability for violations of the F.A.A. Act and related regulations and rulings.

PAPERWORK REDUCTION ACT NOTICE

This request is in accordance with the Paperwork Reduction Act of 1980. This information collection is used to determine whether a label for alcoholic beverages states required information and does not contain any prohibited information or material as required by Federal laws and regulations administered by ATF. The information required is mandatory by statute (27 U.S.C. 205) and is used to obtain a benefit.